



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,729	01/23/2004	Brendan T. McSheffrey	16787-002001	7334

26161 7590 01/11/2007
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
----------	--------------

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/763,729

Applicant(s)

MCSHEFFREY ET AL.

Examiner

Philip J. Sobutka

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/14/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 6,414,635) in view of Rhee (US 2003/0099221)

Consider claim 1. Stewart teaches a method comprising:

receiving data in a handheld wireless transceiver from a wireless device that identifies an access point (*Stewart see especially figure 1, item 111; column 15, lines 1-25*). Stewart teaches the arrangement is useful to various types of service providers to convey information (*Stewart, see especially column 14, lines 1-60*). Stewart lacks a teaching of the access point vendors being trade show exhibitors. Official Notice is taken that it is notoriously well known in the art that trade show vendors wish to convey information. Therefore it would have been obvious to one of ordinary skill in the art that one of the services that could use the arrangement of Stewart would be trade show exhibitors in order to easily convey a great deal of information.

receiving a selection from the trade show attendee in the handheld wireless transceiver based on the received trade show exhibitor identification data (*Stewart see especially column 4, line 25 – column 5, line 25*); and

sending data representing the selection to a network repeater (*Stewart teaches the Portable user sending requests to a network regarding the received information, see especially column 13, lines 55-68*).

Stewart lacks a teaching of the network being comprised of wireless mesh network repeaters. Rhee teaches that mesh repeaters are useful to allow mobiles to communicate with multiple base stations thereby easing congestion resulting in poor throughput (*Rhee, see especially paragraphs 6, 39*). Therefore it would have been obvious to one of ordinary skill in the art to modify Stewart to have the network comprised of mesh repeaters in order to ease congestion that could cause poor throughput.

Consider claim 2. Stewart in view of Rhee teaches the method of claim 1 further comprises: sending data representing the identity of the handheld wireless transceiver to the wireless mesh network repeater (*Stewart see especially figure 1, item 111; column 15, lines 1-25*).

Consider claim 3. Stewart in view of Rhee teaches the method of claim 1, wherein the data identifying the trade show exhibitor is received by the wireless device from the wireless mesh network repeater (*Stewart see especially column 4, line 25 – column 5, line 25*).

Consider claim 4. Stewart in view of Rhee teaches the method of claim 1, wherein the wireless device includes a radio frequency (RF) tag (*note that since Stewart transmit the id via RF they are effectively RF tags*).

Consider claim 5. Stewart in view of Rhee teaches the method of claim 1, wherein the handheld wireless transceiver includes an RF reader (*note that since Stewart reads the identity via RF they are effectively RF readers*).

Consider claim 6. Stewart in view of Rhee teaches the method of claim 1, wherein the selection indicates to provide the trade show exhibitor with the contact information of the trade show attendee (*note that Stewart teaches that the service provider, in this case a trade show vendor can obtain various types of demographic data regarding the portables, see especially column 15, lines 1-25*).

Consider claim 7. Stewart in view of Rhee teaches the method of claim 1, teaching of wherein the selection indicates to identify the trade show exhibitor in a list

Art Unit: 2618

(Stewart teaches listing service providers, in this case exhibitors, for example in paragraphs 91, 105, 119).

Consider claim 8. Stewart teaches a method comprising:

sending data to a handheld wireless transceiver from a wireless device (*Stewart see especially figure 1, item 111; column 15, lines 1-25*) Stewart teaches the arrangement is useful to various types of service providers to convey information (*Stewart, see especially column 14, lines 1-60*). Stewart lacks a teaching of the access point vendors being trade show exhibitors. Official Notice is taken that it is notoriously well known in the art that trade show vendors wish to convey information. Therefore it would have been obvious to one of ordinary skill in the art that one of the services that could use the arrangement of Stewart would be trade show exhibitors in order to easily convey a great deal of information; and

receiving data at a network repeater that represents a selection made by the trade show attendee in the handheld wireless transceiver (*Stewart teaches the Portable user sending requests to a network regarding the received information, and receiving information see especially column 13, lines 55-68*).

Stewart lacks a teaching of the network being comprised of wireless mesh network repeaters. Rhee teaches that mesh repeaters are useful to allow mobiles to communicate with multiple base stations thereby easing congestion resulting in poor throughput (*Rhee, see especially paragraphs 6, 39*). Therefore it would have been obvious to one of ordinary skill in the art to modify Stewart to have the network

comprised of mesh repeaters in order to ease congestion that could cause poor throughput

Consider claim 9. Stewart in view of Rhee teaches the method of claim 8 further comprises: receiving data at the wireless mesh network repeater that identifies the handheld wireless transceiver (*Stewart see especially figure 1, item 111; column 15, lines 1-25*).

Consider claim 10. Stewart in view of Rhee teaches the method of claim 8, wherein the data identifying the trade show exhibitor is received by the wireless device from the wireless mesh network repeater (*Stewart see especially column 4, line 25 – column 5, line 25*).

Consider claim 11. Stewart in view of Rhee teaches the method of claim 8, wherein the wireless device includes a radio frequency (RF) tag (*note that since Stewart transmit the id via RF they are effectively RF tags*).

Consider claim 12. Stewart in view of Rhee teaches the method of claim 8, wherein the handheld wireless transceiver includes an RF reader (*note that since Stewart reads the identity via RF they are effectively RF readers*).

Consider claim 13. Stewart in view of Rhee teaches the method of claim 8, wherein the selection indicates to provide the trade show exhibitor with the contact information of the trade show attendee (*note that Stewart teaches that the service provider, in this case a trade show vendor can obtain various types of demographic data regarding the portables, see especially column 15, lines 1-25*).

Consider claim 14. Stewart in view of Rhee teaches the method of claim 8, wherein the selection indicates to identify the trade show exhibitor in a list (*Stewart teaches listing service providers, in this case exhibitors, for example in paragraphs 91,105,119*).

Consider claim 15. Stewart teaches an information exchange system comprising:
a handheld wireless transceiver capable of:
receiving data from a wireless device (*Stewart see especially figure 1, item 111; column 15, lines 1-25*). Stewart teaches the arrangement is useful to various types of service providers to convey information (*Stewart, see especially column 14, lines 1-60*). Stewart lacks a teaching of the access point vendors being trade show exhibitors. Official Notice is taken that it is notoriously well known in the art that trade show vendors wish to convey information. Therefore it would have been obvious to one of ordinary skill in the art that one of the services that could use the arrangement of Stewart would be trade show exhibitors in order to easily convey a great deal of information.

receiving a selection from the trade show attendee based on the received exhibitor identification data (*Stewart see especially column 4, line 25 – column 5, line 25*), and

sending data representing the selection to a wireless network repeater (*Stewart teaches the Portable user sending requests to a network regarding the received information, see especially column 13, lines 55-68*).

Art Unit: 2618

Stewart lacks a teaching of the network being comprised of wireless mesh network repeaters. Rhee teaches that mesh repeaters are useful to allow mobiles to communicate with multiple base stations thereby easing congestion resulting in poor throughput (*Rhee, see especially paragraphs 6, 39*). Therefore it would have been obvious to one of ordinary skill in the art to modify Stewart to have the network comprised of mesh repeaters in order to ease congestion that could cause poor throughput.

Consider claim 16. Stewart in view of Rhee teaches the trade show information exchange system of claim 15, wherein the handheld wireless transceiver is further capable of, sending data representing the identity of the handheld wireless transceiver to the wireless mesh network repeater (*Stewart see especially figure 1, item 111; column 15, lines 1-25*).

Consider claim 17. Stewart in view of Rhee teaches the trade show information exchange system of claim 15, wherein the data identifying the trade show exhibitor is received by the wireless device from the wireless mesh network repeater (*Stewart see especially column 4, line 25 – column 5, line 25*).

Consider claim 18. Stewart in view of Rhee teaches the trade show information exchange system of claim 15, wherein the wireless device includes a radio frequency (RF) tag (*note that since Stewart transmit the id via RF they are effectively RF tags*).

Consider claim 19. Stewart in view of Rhee teaches the trade show information exchange system of claim 15, wherein the handheld wireless transceiver includes an

Art Unit: 2618

RF reader (*note that since Stewart reads the identity via RF they are effectively RF readers*).

Consider claim 20. Stewart in view of Rhee teaches the trade show information exchange system of claim 15, wherein the selection indicates to provide the trade show exhibitor with the contact information of the trade show attendee (*note that Stewart teaches that the service provider, in this case a trade show vendor can obtain various types of demographic data regarding the portables, see especially column 15, lines 1-25*).

Consider claim 21. Stewart in view of Rhee teaches the trade show information exchange system of claim 15, wherein the selection indicates to identify the trade show exhibitor in a list (*Stewart teaches listing service providers, in this case exhibitors, for example in paragraphs 91,105,119*).

Consider claim 22. Stewart teaches an information exchange system comprising:
a wireless device capable of:
receiving data (*Stewart teaches the Portable user sending requests to a network and receiving back information, see especially column 13, lines 55-68*) from a wireless network repeater that identifies a service provider. Stewart teaches the arrangement is useful to various types of service providers to convey information (*Stewart, see especially column 14, lines 1-60*). Stewart lacks a teaching of the access point vendors being trade show exhibitors. Official Notice is taken that it is notoriously well known in the art that trade show vendors wish to convey information. Therefore it would have

Art Unit: 2618

been obvious to one of ordinary skill in the art that one of the services that could use the arrangement of Stewart would be trade show exhibitors in order to easily convey a great deal of information.

Stewart lacks a teaching of the network being comprised of wireless mesh network repeaters. Rhee teaches that mesh repeaters are useful to allow mobiles to communicate with multiple base stations thereby easing congestion resulting in poor throughput (*Rhee, see especially paragraphs 6, 39*). Therefore it would have been obvious to one of ordinary skill in the art to modify Stewart to have the network comprised of mesh repeaters in order to ease congestion that could cause poor throughput.

The exchange system:

sending data to a handheld wireless transceiver that identifies the trade show exhibitor to a trade show attendee (*Stewart see especially figure 1, item 111; column 15, lines 1-25*).

Consider claim 23. Stewart in view of Rhee teaches the trade show information exchange system of claim 22, wherein the wireless device includes a radio frequency (RF) tag (*note that since Stewart transmit the id via RF they are effectively RF tags*).

Consider claim 24. Stewart in view of Rhee teaches the trade show information exchange system of claim 22, wherein the handheld wireless transceiver includes an RF reader (*note that since Stewart reads the identity via RF they are effectively RF readers*).

Art Unit: 2618

Consider claim 25. Stewart teaches an information exchanging arrangement. Stewart lacks a teaching of the arrangement being embodied as a tangible computer program product. Official Notice is taken that it is notoriously well known in the art to modify Stewart as shown in the claim in order to allow the arrangement to be easily loaded onto computer systems.

receive data from a wireless device that identifies an access point (*Stewart see especially figure 1, item 111; column 15, lines 1-25*). Stewart teaches the arrangement is useful to various types of service providers to convey information (*Stewart, see especially column 14, lines 1-60*). Stewart lacks a teaching of the access point vendors being trade show exhibitors. Official Notice is taken that it is notoriously well known in the art that trade show vendors wish to convey information. Therefore it would have been obvious to one of ordinary skill in the art that one of the services that could use the arrangement of Stewart would be trade show exhibitors in order to easily convey a great deal of information.

receive a selection from the trade show attendee based on the received exhibitor identification data (*Stewart see especially column 4, line 25 – column 5, line 25*); and

send data representing the selection to a wireless network repeater (*Stewart teaches the Portable user sending requests to a network regarding the received information, see especially column 13, lines 55-68*).

Stewart lacks a teaching of the network being comprised of wireless mesh network repeaters. Rhee teaches that mesh repeaters are useful to allow mobiles to communicate with multiple base stations thereby easing congestion resulting in poor

Art Unit: 2618

throughput (*Rhee, see especially paragraphs 6, 39*). Therefore it would have been obvious to one of ordinary skill in the art to modify Stewart to have the network comprised of mesh repeaters in order to ease congestion that could cause poor throughput.

Consider claim 26. Stewart in view of Rhee teaches the computer program product of claim 25, being further operable to cause a handheld wireless transceiver to: send data representing the identity of the handheld wireless transceiver to the wireless mesh network repeater (*Stewart see especially figure 1, item 111; column 15, lines 1-25*).

Consider claim 27. Stewart in view of Rhee teaches the computer program product of claim 25, wherein the data identifying the trade show exhibitor is received by the wireless device from the wireless mesh network repeater (*Stewart see especially column 4, line 25 – column 5, line 25*).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

6. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

Art Unit: 2618

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

(571) 272-7887